

Allegation Letter Addressed to United Nations Special Procedures Regarding the Water Crisis in Northeast Syria





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The signatory organizations call on the UN to take the necessary measures to come up with an urgent and sustainable solution to the water crisis in the NES, taking into account the facts and joint recommendations in this submission

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This submission is addressed to the honoured:

1. Special Rapporteur on the human rights to safe drinking water and sanitation;
2. Special Rapporteur on the human rights of internally displaced persons;
3. Special Rapporteur on human rights and the environment;
4. Special Rapporteur on the right to health;
5. Special Rapporteur on the right to food.

This joint submission is presented by : [Syrians for Truth and Justice \(STJ\)](#), [PÊL – Civil Waves](#), [Synergy Associations for Victims](#), [Coalition of Civil Society Organizations in Northeast Syria \(CSO-NES\)](#), [Humanitarian and Development Cooperation Organization \(HDC\)](#), [Malva Organization for Arts, Culture and Education](#) and [Civil society institutions platform in Northern and Eastern Syria \(NGO Platform\)](#).

It seeks to shed light on the main causes of the ongoing severe water crisis in North-east Syria (NES) and draw the attention of the relevant United Nations (UN) special procedures to its repercussions for the area's population, including internally displaced persons (IDPs), as well as the violation of their rights to safe drinking water, health, and food—for which several parties to the Syrian conflict bear primary responsibility.

The signatory organizations call on the UN to take the necessary measures to come up with an urgent and sustainable solution to the water crisis in the NES, taking into account the facts and joint recommendations in this submission.

Introduction

Natural factors such as drought and low rainfall, combined with the illegal practices of local and international actors involved in the Syrian conflict, have resulted in severe scarcity of water and ultimately the deprivation of communities in the NES of their right to adequate and safe water. This right has been established by the UN General Assembly in its [Resolution 64/292](#), in which it acknowledges **“the importance of equitable access to safe and clean drinking water and sanitation as an integral component of the realization of all human rights.”** This right has also been described, across various UN-released documents, as indispensable for leading a life in human dignity and a prerequisite for the realization of other human rights.¹

Furthermore, this right has been similarly established by the Human Rights Council in its [Resolution 15/19](#), whereby it affirms **“that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity”**.

Background

The NES relies on three water sources, whether for drinking, domestic, agricultural, or other purposes. In addition to rains and groundwater, rivers have long been regarded as the region's lifeline. This description, however, only applies to the Euphrates River today, after

¹ Committee on Economic, Social and Cultural Rights. General Comment No. 15 (2002). The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights). https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2002%2f11&Lang=en

the flow of the Khabur River—an already seasonal waterway—fell to extreme lows and the very little remaining water was dammed in recent years. These water sources serve local and IDP communities, covering the needs of an estimated 4,800,000 beneficiaries,² including 655,000 IDPs.³

In 2023, precipitation rates in al-Hasakah province were estimated to be 60% lower than the average documented over the previous three years,⁴ reflecting the drought warning issued by the Global Drought Observatory (GDO) for eastern Syria in April 2021. That year, the province recorded a sharp decline in rainfalls compared to the long-term monthly average (80 mm), calculated between 1981 and 2010.⁵

These percentages predict an increase in the frequency and severity of droughts, which will pose additional challenges for the population and the agricultural sector—especially as rainfall is also responsible for feeding groundwater and seasonal rivers. Years of conflict in the NES have aggravated the climate crisis. The increase in greenhouse gas emissions caused local warming and the entrapment of rain in clouds.⁶

In tandem with the poor rainfall in al-Hasakah, the entire NES experienced a significant decline in groundwater levels. Data collected from November 2021 to October 2022 revealed that some areas of the region experienced levels that were five times lower than usual, relative to the long-term average.⁷ Droughts, combined with the overuse of groundwater reservoirs, are to blame for this reduction.

Residents of the NES turned to digging artisan wells to fill the demand gap generated by low river levels and the cutting off of water from the [Alok water station](#) (Also Aluk, Allouk) in the Ras al-Ayn/Serê Kaniyê suburbs.

In late 2022, local authorities in the NES prohibited residents from digging wells to save groundwater without providing a viable alternative other than tank water, which beneficiaries claim is distributed unfairly.⁸

Notably, the water crisis has had adverse impact on the agricultural, cattle, and energy sectors. According to data collected in 2021, cultivated land dropped to 53% due to a lack of water supplies and farmer migration. The agricultural sector's recession has had consequences for the livestock sector. Animal farming declined by 39% in 2020 compared to

² "Population Estimation of AANES", HDC,

https://www.hdcorganisation.com/files/ugd/5f262a_eb8f691cd79f41c6b214c4a991150e3a.pdf

³ Latest Update on Country Situation, ACAPS, (Last visited: 7 July 2023).

<https://www.acaps.org/en/countries/syria#:~:text=Around%20three%20million%20people%20live,Syria%2C%20including%20over%20655%2C000%20IDPs>

⁴ "Current Situation of the Water Crisis in Northeast Syria and its Humanitarian Impacts", REACH, 26 June 2023.

<https://reliefweb.int/report/syrian-arab-republic/current-situation-water-crisis-northeast-syria-and-its-humanitarian-impacts-july-2023-northeast-syria>

⁵ "Drought in Syria and Iraq – April 2021", GDO, 22 April 2021.

https://edo.jrc.ec.europa.eu/documents/news/GDODroughtNews202104_Syria_Iraq.pdf

⁶ "Climate Change its Causes & Consequences", HDC,

https://www.hdcorganisation.com/files/ugd/5f262a_e154c459a4d34bc58b8ba2b38a0914ca.pdf

⁷ "Current Situation of the Water Crisis in Northeast Syria and its Humanitarian Impacts", REACH, 26 June 2023.

<https://reliefweb.int/report/syrian-arab-republic/current-situation-water-crisis-northeast-syria-and-its-humanitarian-impacts-july-2023-northeast-syria>

⁸ "The AANES Bans Digging Artisan Wells" (in Arabic), North Press, 22 October 2022 (Last visited: 7 July 2023).

<https://npasyria.com/126843/>

2008, owing to the difficulty of obtaining feed and veterinary treatments. Furthermore, the Euphrates River's low levels have had disastrous implications for the output of hydroelectric dams, whose power generation capacities have shrunk by more than 66%. The average amount of energy produced has decreased from 415 MW in 2020 to 141 MW in 2021.⁹

These natural drivers and the resulting water shortages negatively affect the lives of the region's residents. The absence or lack of water services has turned the NES into a hotspot for epidemics due to the dearth of required support and the willingness of some parties to the conflict to weaponize water at the most critical times, such as during the COVID-19 pandemic.

In November 2022, Human Rights Watch demanded that all parties to the conflict ensure the right to clean water and health for everyone in Syria. The organization documented the Turkish authorities' role in exacerbating an acute water crisis that is believed to have given rise to the deadly cholera outbreak spreading across Syria and into nearby countries, pointing out: "The Turkish authorities have failed to ensure an adequate water flow downstream into the Syrian-held portion of the Euphrates River and a consistent water supply from Allouk water station, a critical source of water."¹⁰

In March 2020, Human Rights Watch also shed light on the "weaponization of water" by parties to the Syrian conflict. The organization reported that the Turkish authorities have cut off water supplies from the Alok water station several times since the start of the year. The organization said: "Turkish authorities' failure to ensure adequate water supplies to Kurdish-held areas in Northeast Syria is compromising humanitarian agencies' ability to prepare and protect vulnerable communities in the COVID-19 pandemic," demanding that they immediately do everything they can to resume supplying water through the Alok water pumping station.¹¹

Building on the preceding information, this submission will focus primarily on the current status of the Alok water station and the Euphrates and al-Khabur rivers, touching briefly on the water crisis triggers that cannot be discussed outside the context of the armed conflict, which has been ongoing for over 12 years.

Additionally, the submission will present an overview of the situation in some informal IDP camps in the NES, where the lack of "official recognition" continues to be a barrier between residents and safe water. Moreover, the submission will demonstrate some of the impacts the water crisis had on the health of the region's population and the further consequences it holds for them, especially as they anticipate new cholera outbreaks.

Alok Waters Blocked for Over 36 Times Since 2019

On 6 June 2023, the Alok water pumping station was rendered inoperable and supplies were thus interrupted again. The station has experienced over 36 such disruptions since October

⁹ "Water Crisis and Its Repercussions", HDC,

https://www.hdcorganisation.com/files/ugd/5f262a_ad65c5b99b39498381a51b14cf5a66d7.pdf

¹⁰ "Syria: Parties to Conflict Aggravate Cholera Epidemic", Human Rights Watch, 7 November 2022 (7 July 2023). <https://www.hrw.org/news/2022/11/07/syria-parties-conflict-aggravate-cholera-epidemic>

¹¹ "Turkey/Syria: Weaponizing Water in Global Pandemic?", Human Rights Watch, 31 March 2020 (Last visited: 7 July 2023). <https://www.hrw.org/news/2020/03/31/turkey/syria-weaponizing-water-global-pandemic>

2019.¹² That October, Ras al-Ayn/Serê Kaniyê was jointly controlled by the Turkish military and affiliated Syrian armed opposition groups. Both these sides did not hesitate to disrupt the water flow from the station which is the primary source of drinking water for over 800,000 residents in al-Hasakah province and its countryside. Additionally, the station is the source for filling the tanker trucks that carry water to the makeshift camps of [al-Hawl](#), [al-Areesha \(or al-Sadd\)](#) and [Washo Kani \(or al-Twaina\)](#), which host tens of thousands of IDPs from different Syrian regions. Notably, the disruptions documented lasted from days to a month, with other disturbances of operability attributed to power malfunctions and maintenance works.¹³

On top of the disruptions, parties in the conflict that control the area used the station as a pressure card to reach an “electricity in exchange for water” agreement in 2022. The Autonomous Administration in North and East Syria (AANES) and sides from the Syrian Government—both share control over al-Hasakah city—made attempts to relaunch the Alok water pumping station with direct assistance from the Russian military command in the NES that had held talks with Türkiye and intervened more than once to urge Turkish forces to operate the station. However, in exchange for resuming the water pumping from the Alok station,¹⁴ Türkiye requested maintaining the Mabrouka power station, located to the west of Ras al-Ayn/Serê Kaniyê, which is under Türkiye and allies’ control, and supplying it with electricity from the Tishrin Dam. The dam is jointly controlled by the Syrian government and Autonomous Administration. Türkiye demanded maintenance to supply areas held by the armed groups it backs with power from Mabrouka power station,¹⁵ which remains under the control of the Syrian government and Kurdish-led authorities as part of the Russian-Turkish deal that was concluded in December 2019.¹⁶

The Euphrates River

Rivers remain at the heart of the water crisis. Syria, including its north-eastern territories, relies heavily on water sources originating outside the country, the most important of which is the Euphrates River, which it shares with Türkiye and Iraq. Syria has a high-water dependency ratio of 72.36%, which renders it open to instability and its ecological systems to deterioration, as is the case currently.¹⁷

The water levels of the Euphrates River are linked to climate changes in Syria and Türkiye, affected by declining precipitation rates in the latter as well as in Syria. The river derives the

¹² “The Alok Station Waters Cut off 36 Times since Armed Groups Took Over Ras al-Ayn” (In Arabic), Rudaw, 1 July 2023 (Last visited: 7 July 2023). <https://www.rudawarabia.net/arabic/kurdistan/01072023>

¹³ “Timeline of the Disruptions Series of Aluk Water Pumping Station, North East Syria”, STJ, 31 August 2020 (Last visited: 7 July 2023). <https://stj-sy.org/en/timeline-of-the-disruptions-series-of-aluk-water-pumping-station-north-east-syria/>

¹⁴ “Turkey Continues to Weaponize Alok Water amid COVID-19 Outbreak in Syria”, STJ, 28 April 2020 (Last visited: 7 July 2023). <https://stj-sy.org/en/turkey-continues-to-weaponize-alok-water-amid-covid-19-outbreak-in-syria/>

¹⁵ “Turkey/Syria: Weaponizing Water in Global Pandemic?”, Human Rights Watch, 31 March 2020 (Last visited: 7 July 2023). <https://www.hrw.org/news/2020/03/31/turkey/syria-weaponizing-water-global-pandemic>

¹⁶ “Syrian Army Secures Key Power Station in Northern al-Hasakah”, South Front, 8 December 2019 (Last visited: 7 July 2023). <https://southfront.org/syrian-army-secures-key-power-station-in-northern-al-hasakah/>

¹⁷ “Water Crisis and Its Repercussions”, HDC, https://www.hdcorganisation.com/files/ugd/5f262a_ad65c5b99b39498381a51b14cf5a66d7.pdf

vast majority of its water from precipitation in the Armenian highlands in Türkiye.¹⁸ Additionally, it is estimated that water in the Euphrates had already plummeted by around a sixth by the 2010s due to increased droughts and water usage. However, the utilization of the river's water cannot be examined without a reference to the agreements regulating the shares of the riparian countries, and the nature of these agreements, which take the form of open negotiations that have yet to result in binding official frameworks.¹⁹

In 1987, Syria and Türkiye signed a "Protocol on Matters Pertaining to Economic Cooperation." In the Protocol's Article 6, Türkiye undertook to release a yearly average of more than 500 M³/Sec at the Turkish-Syrian borders during the filling up period of the Ataturk Dam Reservoir, and until the final allocation of the waters of Euphrates among the three riparian countries. Additionally, the article states that in cases where the monthly flow falls below the level agreed upon, the Turkish side agrees to make up the difference during the following month.²⁰ However, the flow has dropped to less than the half of the agreed levels, hitting a rate of only 200 M³/Sec at certain periods.²¹ In 2021, the water level at the Tishrin Dam has plummeted by five metres, and now is only dozens of centimetres above "dead level" when turbines are supposed to completely stop producing electricity. Experts have attributed the falling water levels to "megalomaniac" agricultural projects Türkiye set up in the 1990s, warning that "The big picture is drought is coming."²²

Moreover, studies indicate that at least 40% of the Euphrates flow has been lost due to the overexploitation of the river water since 1972, and that natural feed rates from the source will decline to half by 2040, owing to the escalation of activities at the Turkish projects south-east of Anatolia.²³

Al-Khabur River

While the Syria-Türkiye Euphrates agreement has seen no updates because Türkiye suspended negotiations in 2011, the al-Khabur River—the Euphrates' largest tributary—has not been subject to any agreements so as to regulate the allocations of riparian countries or protect beneficiaries' access to its waters.²⁴

In May 2021, the river, located 80 kilometres northwest of al-Hasakah city, was entirely cut off after Syrian armed opposition groups built three illegal dams on the river's watercourse in

¹⁸ "Current Situation of the Water Crisis in Northeast Syria and its Humanitarian Impacts", REACH, 26 June 2023. <https://reliefweb.int/report/syrian-arab-republic/current-situation-water-crisis-northeast-syria-and-its-humanitarian-impacts-july-2023-northeast-syria>

¹⁹ "Water Shortage Crisis Escalating Between Turkey, Iraq and Syria", Save Tigris, 13 March 2021 (Last visited: 7 July 2023). <https://www.savethetigris.org/water-shortage-crisis-escalating-between-turkey-iraq-and-syria/>

²⁰ "Protocol on Matters Pertaining to Economic Cooperation between the Syrian Arab Republic and the Republic of Turkey", signed on 17 July 1987. <http://gis.nacse.org/tfdd/tfdddocs/1086ENG.pdf>

²¹ "Allouk Water Station Shutdown and Humanitarian crisis, Syria", Environmental Justice Atlas, 15 February 2023 (Last visited: 7 July 2023). <https://ejatlas.org/conflict/the-allouk-water-station-shutdown-a-humanitarian-crisis-in-northeastern-syria>

²² "Desert': drying Euphrates threatens disaster in Syria", France 24, 30 August 2021 (Last visited: 7 July 2023). <https://www.france24.com/en/live-news/20210830-desert-drying-euphrates-threatens-disaster-in-syria>

²³ "Water Crisis and Its Repercussions", HDC, https://www.hdcorganisation.com/files/ugd/5f262a_ad65c5b99b39498381a51b14cf5a66d7.pdf

²⁴ UN-ESCWA and BGR (United Nations Economic and Social Commission for Western Asia; Bundesanstalt für Geowissenschaften und Rohstoffe). 2013. Inventory of Shared Water Resources in Western Asia. Beirut. https://waterinventory.org/sites/waterinventory.org/files/chapters/Chapter-02-Shared-Tributaries-of-the-Euphrates-River-web_0.pdf

Ras al-Ayn/Serê Kaniyê. The blocking of the river flow followed one of the hottest summers ever recorded in the NES, and of which the communities in the area had not yet recovered.²⁵

The construction of these dams has deprived tens of thousands of farmers of the resources needed to irrigate their lands, especially in villages near the Tal Tamer area. Partner organizations have been able to document the impact of river cuts on over 46,000 dunums of agricultural land in Tal Tamer alone. The farmers in the area were compelled to cultivate crops other than those they are used to or limited the cultivation area to reduce the costs of alternative irrigation, as they resorted to well water that requires diesel engines and borehole pumps. In addition, livestock owners were denied access to water and former grazing areas along the riverbanks.

For updates on the status of the river and the built dams, the partner organizations reached out to a civil engineer, who works as a water studies and dam construction advisor. He said: **“Türkiye released the river water after the February 2023 quake to relieve the pressure at the dams erected on its side of the river and avoid any quake-related damage to its dams.”**

The engineer stressed that dams built by the armed groups were a complement to a series of practices initiated by Türkiye over the past decade, all of which contributed to the drying of al-Khabur on the Syrian side. These practices included wells drilled in the plain zone between the outskirts of Taurus Mountains and the border with Syria and the use of water in the cultivation of the area. These wells were dug into the river reservoir between the Syrian and Turkish sides, although the river feeds on 18 springs, all of which are in Syria.

He highlighted that the flow of the river fell from about 60 m³/Sec in the 1960s to 40 m³/Sec in the 1970s, and so until it dried up in the early 1990s. He added:

“Over the past years, Türkiye has cut off permanent and temporary small streams and rivers from reaching the Syrian territory. In addition to low precipitation rates, this has transformed al-Jazira's stability zones into semi-desert areas. The drought has reached the first zone of stability adjacent to the border with Türkiye. Crop production in this area has declined in recent years, although it has been one of al-Jazira's most fertile areas. These changes put the population of this region at the risk of mass displacement, led by drought, and declining water levels and rainfall.”

Unrecognized Camps

Access to clean water for the NES population is compromised by additional factors that cannot be disregarded. First, the devastation of infrastructure, including water networks, as a result of military operations;²⁶ and second, the UN's failure to recognize a number of IDP camps in the region, leaving them without access to water assistance and heightening their vulnerability to the water crisis. According to information obtained by the partner organizations, there are six unrecognized camps across the NES: two in al-Hasakah, two in Raqqa, and two in Manbij.

²⁵ “Killing the Khabur: How Turkish-backed armed groups blocked northeast Syria's water lifeline”, PAX, 3 November 2021 (Last visited: 7 July 2023). <https://paxforpeace.nl/news/killing-the-khabur-how-turkish-backed-armed-groups-blocked-northeast-syrias-water-lifeline/>

²⁶ “COVID-19: millions dealing with sporadic water shortages, crippled health services, in north-east Syria”. ICRC, 21 May 2020 (Last visited: 7 July 2023). <https://www.icrc.org/en/document/north-east-syria-millions-dealing-sporadic-water-shortages-crippled-health-services>

Partner organizations reached out to two IDPs in the informal Tal al-Sumun Camp, in Raqqa's countryside. They stressed that the camp residents struggle with the quantity and quality of water they are provided. Every four or five families, regardless of their number, share 1,000 litres per day, trucked from a stream outside the camp and filled in barrels inside it. The water distributed is often turbid and undrinkable, due to **"poor treatment and filtration."** The two sources added that the camp families suffer from frequent intestinal infections and diarrhoea, especially in the summer.

Moreover, two IDPs in the Serê Kaniyê/Talae' Camp, in al-Hasakah, gave matching accounts about the water crisis at their camp. They said that residents struggle with the scarcity of the water distributed, with only 100 liters allocated to each tent or family a day. They also highlighted the difficulties posed by poor sanitation services: **"The sanitation problem is worse than the drinking water problem, as there are no sewage channels; each toilet drains into a septic tank, which is periodically emptied. We also struggle with diseases because there is not a sewage system."**

Health Challenges

Stemming from the natural or conflict-related causes, the catastrophic manifestations of the water crisis have reached life-threatening levels. In 2022, there were over [15483](#) cholera cases, of which 28 resulted in death in the NES. The most recent figures imply that the total number of cases in the region has reached [35,745](#).

The spread of cholera throughout Syria, particularly in its north-eastern territories, has been attributed to the water crisis, specifically the low level of the Euphrates River,²⁷ and the population's concomitant reliance on unsafe alternative sources. A cholera patient, residing in an IDP camp in al-Hasakah, told one of the partner organizations:²⁸

"The water that enters the camp (via some people) in tanks is undrinkable and its sanitation is not monitored. 11 people from my family alone, including my mother and brother, contracted the virus from this polluted water."

Notably, reports from local organizations have cautioned that the region has all factors that render it susceptible to a future cholera outbreak, particularly as the Euphrates water levels continue to plummet and long-term solutions are extremely difficult to implement.²⁹

Additionally, analysis of annual flow scenarios determined that if a scenario with a flow rate of 200 m³/Sec continues for more than one year and 105 days, an environmental and health disaster will befall the entire communities in the central (Syrian) and lower (Iraqi) Euphrates basins, particularly the populations on the riverbanks.³⁰

²⁷ "Research Terms of Reference: Cholera Surveillance at Health Facilities in Northeast Syria, SYR2214 (Nov 2022, Version 1)", REACH, 6 December 2022 (Last visited: 7 July 2023). <https://reliefweb.int/report/syrian-arab-republic/research-terms-reference-cholera-surveillance-health-facilities-northeast-syria-syr2214-nov-2022-version-1>

²⁸ "Northeast Syria: Cholera Outbreak Worsened by Already Vulnerable Health Infrastructure", STJ, 24 October 2022 (Last visited: 7 July 2023). <https://stj-sy.org/en/northeast-syria-cholera-outbreak-worsened-by-already-vulnerable-health-infrastructure/>

²⁹ "Cholera in Deir Ezzor: An Eminent Epidemic", Justice for Life, 14 October 2022 (Last visited: 7 July 2023). <https://jfl.ngo/en/cholera-in-deir-ezzor-an-eminant-epidemic/>

³⁰ "The Euphrates Basin and Its Syrian Dams" (in Arabic), HDC, https://www.linkedin.com/posts/dcagency-nes_%D8%A7%D9%84%D8%AF%D8%B1%D8%A7%D8%B3%D8%A9-

In 2020, the Alok station interruptions coincided with the COVID-19 outbreak in the NES. The water outages deprived the area's residents of a vital component of the measures designed to prevent the spread of the virus. A doctor spoke to one of the partner organizations at the time,³¹ saying:

“The water cut caused a serious crisis and led people to seek alternative and potentially unsafe water sources. These were insufficient, and led to the lack of hygiene and cleanliness of health centers and hospitals amid the outbreak of the novel coronavirus, putting the population at greater risk of infection.”

A Crisis Without Borders

Notably, the submission has focused on the NES because it is beyond its capacity to cover the water crisis across the country, particularly as water challenges continue to have comparable fatal consequences in the north-western territories. On 23 June 2023, for instance, one of the partner organizations monitored a [protest](#) with the slogan “al-Bab is thirsty!” Locals of al-Bab demanded that the international community exert pressure on the Syrian government to allow water from the 'Ayn al-Bayda station to run into their area. Until 2017, communities in al-Bab, Baza'a, and Qabasin, north of Aleppo, relied primarily on water from the 'Ayn al-Bayda station, which the Syrian government barred a year after seizing the village of Ayn al-Bayda in rural Kuwairis in 2016.

The station is 16 kilometres from al-Bab city, which received its water through a waterway transporting its shares from the al-Khafsa on the Euphrates River. In the aftermath of the water cuts, “the area entered a humanitarian crisis.”³² Additionally, al-Bab’s water infrastructure was also damaged “during the process of liberating it from IS” in early 2017.³³

A local from the city told one of the partner organizations that al-Bab City Local Council launched a water project after the station's water was cut off. The project relied on 13 boreholes, which had been drying up for some time. The source added: **“The water that reaches al-Bab city from tanker trucks or the city council is not treated or sterilized with chlorine, resulting in daily poisonings. Depriving al-Bab city access to water was the cause of its economic collapse because water was also used in agriculture, and a significant number of the city’s residents are farmers.”**

[%D8%A7%D9%84%D8%AA%D8%AE%D8%B5%D8%B5%D9%8A%D8%A9-%D9%84%D8%AD%D9%88%D8%B6-%D8%A7%D9%84%D9%81%D8%B1%D8%A7%D8%AA-%D9%88%D8%B3%D8%AF%D9%88%D8%AF%D9%87-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-activity-7084626054291550208-ZqMU?utm_source=li_share&utm_content=feedcontent&utm_medium=g_dt_web&utm_campaign=copy](#)

³¹ “Turkey Continues to Weaponize Alok Water amid COVID-19 Outbreak in Syria”, STJ, 28 April 2020 (Last visited: 7 July 2023). <https://stj-sy.org/en/turkey-continues-to-weaponize-alok-water-amid-covid-19-outbreak-in-syria/>

³² “Years of stopgap solutions do little to solve entrenched water crisis in northern Aleppo’s al-Bab”, Syria Direct, 20 September 2022 (Last visited: 7 July 2023). <https://syriadirect.org/years-of-stopgap-solutions-do-little-to-solve-entrenched-water-crisis-in-northern-aleppo-al-bab>

³³ “Water Crisis in Northern and Northeast Syria - Immediate Response and Funding Requirements”, OCHA, 9 September 2021 (Last visited: 7 July 2023). <https://reliefweb.int/report/syrian-arab-republic/water-crisis-northern-and-northeast-syria-immediate-response-and-funding>

Legal Opinion

Since the nineteenth century, the legal framework governing non-navigational uses of international watercourses has evolved into a subset of international water law (IWL). [The 1997 Convention on the Law of Non-Navigational Uses of International Watercourses](#) (Watercourses Convention) is the only international treaty that establishes the principles and rules of cooperation between States on the management, use, distribution, and protection of international watercourses. Unfortunately, Türkiye did not accede to this agreement—which entered into force in 2014—and instead raised several objections and voted against it in the United Nations General Assembly. Nonetheless, there are various other international legal instruments, including those regarded as a reflection of customary international law, that govern international relations involving international watercourses. Additionally, the state of armed conflict in Syria since 2012 and Türkiye's involvement in it necessitate the implementation of the relevant provisions of international humanitarian law (IHL), in addition to the provisions of international human rights law (IHRL).

Relevant Primary IWL Principles and Rules

- **The principle of equitable and reasonable utilization:** It is considered one of the most important international norms regarding the management of international watercourses. Even though the principle of State sovereignty gives States the right to use shared freshwater within their territories, they are required to do so in an equitable and reasonable manner towards other States.³⁴ The consistent practice by States, as well as many decisions and opinions of international and national courts, indicate that this principle is regarded as a binding international norm despite Türkiye's failure to ratify the majority of international and regional treaties governing international watercourse issues. For instance, the International Court of Justice ruled that (former) Czechoslovakia deprived Hungary of its right to an equitable and reasonable participation in the Danube's natural resources, taking into account the ongoing effects of the diversion of these waters on the ecosystem of certain regions in Hungary, as Czechoslovakia established dominance over this shared resource. Additionally, the Court found that Czechoslovakia had disregarded the international law-binding principle of proportionality in the equitable and reasonable utilization of watercourses.³⁵

The principle of equitable and reasonable utilization stems from the principle of sovereign equality of States. Therefore, no riparian State has the right to claim that its right to shared resources supersedes the rights of other States, regardless of the location or source of these watercourses. Because equity does not imply quantitative equality, implementing this principle and achieving optimal utilization among riparian countries calls for flexibility and steady adjustments to a wide range of changing circumstances and conditions, including geographical, climatic, social, and economic, among others.³⁶

³⁴ See in general, Stephen McCaffrey (ed.), 'The Law of International Watercourses', *Oxford University Press*, Third Edition (2019).

³⁵ *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, Judgment, I.C.J. Reports 1997, p. 7, para. 85.

³⁶ See, International Law Association, Berlin Conference (2004), Water Resources Law, Article 13 (Available at: http://www.cawater-info.net/library/eng/l/berlin_rules.pdf).

In the same vein, downstream States cannot claim greater quantitative rights to water than the upstream State simply because they, for example, developed water programs first, because such a claim would result in the upstream State's unequitable and unreasonable utilization of the water upon establishing such programs and projects that are suitable for its needs.³⁷

Accordingly, no riparian State can exploit a *fait accompli* to acquire the right to international watercourses; instead, involved States must continue to enforce the principle of equitable and reasonable utilization through constant review and evaluation because changing conditions require adjustments in use.³⁸ The armed conflict in Syria, and the various dynamics of control in the country, as well as the challenges brought about by climate change, may be some of the clearest examples that compel Türkiye to conduct such assessments and evaluations.

- **The principle of no-harm:** It is considered one of the provisions of customary international law that applies to IWL, in addition to being applicable to all aspects of international law and international relations.³⁹ This principle can be interpreted as States can utilize what they own without causing harm to what other States own. This principle is closely related to the principles of good neighbour⁴⁰ and prohibition of abuse of rights.⁴¹ In line with this principle, States have an obligation of conduct rather than an obligation of result, which means they must take all reasonable measures not to cause significant harm. To do so, States must take into account the facts and circumstances in each case in accordance with the principle of due diligence. This principle applies to both upstream and other riparian States.
- **Procedural obligations:** Riparian States must follow a set of procedures that, on the one hand, ensure the implementation of their other duties and lead to evasion of conflicts between States on the other. The most essential of these obligations are the duty to notify, the duty to exchange information and data, the duty to consult with potentially affected States, the duty to conduct an environmental impact assessment, and the duty to cooperate.⁴² The fact that the State cannot implement the principle of equitable and reasonable utilization without sharing with other affected States the necessary data and information for all parties and consulting with them for the continuous evaluation of water uses, taking into account all factors affecting the interests of these States, demonstrates the importance of these procedural obligations.

Noting the obligation to conduct environmental impact assessments as a customary rule of international law, the International Court of Justice determined that states should conduct such assessments "when there is a risk that the proposed activity will

³⁷ Stephen McCaffrey, 'The Law of International Watercourses: Some recent Developments and Unanswered Questions', *Denver Journal of International Law and Policy*, Spring (1991), p. 509.

³⁸ Mohamed S. Helal, 'Sharing Blue Gold: The UN Convention on the Law of the Non-Navigational Uses of International Watercourses Ten Years On', *Colorado Journal of International Environmental Law and Policy*, Vol. 18, No. 2. (2007), p. 345.

³⁹ See, for example: *Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)* (Merits), I.C.J. reports 1949, p. 4, para. 22.

⁴⁰ UN General Assembly, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (A/8082), Resolution No. 2625 (XXV), 24 October 1970.

⁴¹ See: PCIJ, *Germany v. Poland* (1926), P.C.I.J. (Ser. A) No. 7 at 30.

⁴² B. Baker Röben, 'International Freshwaters', in F.L. Morrison and R. Wolfrum (eds.), *International, Regional and National Environmental Law* (2000), pp. 303-304.

cause a disproportionate impact in the transboundary context, particularly on shared resources.”⁴³ The environmental consequences of the measures taken by riparian States should not be limited to assessing the environmental impact on the other States involved but should go beyond that to take into account environmental considerations in general. The Syrian case, such considerations include the impact on groundwater, soil pollution, and desertification, among others.

- **Vital human needs:** The fact that the texts regulating IWL do not literally address individual rights must not be taken as a justification for the negligence of these rights. The rationale behind the principle of equitable and reasonable utilization in itself and the provisions of international water law, which regulate the management and distribution of water between States, is that both this principle and the provisions *per se* aim to respond to vital human needs and therefore should be prioritized over any other uses.⁴⁴

The Legal Framework Related to the Syrian Conflict and Türkiye’s Involvement in It

- **Occupation:** IHL states that when a State exercises effective control over part of another State’s territory, it is subject to the laws of occupation, including the obligation to secure the basic needs of the population, among them water. Whether a State is practicing such control is a matter of fact and is not determined by the opinions of the parties involved.⁴⁵ According to the international law governing occupation, an occupying power may not arbitrarily use the natural resources of the occupied territories for its own ends but may use them to the extent necessary for the current administration of the occupied territories and to meet the basic needs of the population.⁴⁶ Under no circumstances shall the occupying Power be entitled to exploit the population, resources, or other assets in the areas under its control for the benefit of its territory or population.⁴⁷ Accordingly, in addition to the above-mentioned IWL, Türkiye’s exploitation of the occupation and effective control over Syria’s territory, including its water resources and certain vital water facilities, to serve the goals and objectives of its territories and water resources on the one hand or other political ends, including bargaining with other parties to the armed conflict such as the Syrian Government or Autonomous Administration on the other, is a clear violation of this principle.
- **Relevant provisions of IHL:** All parties involved in armed conflict must mitigate the negative impact on their right of civilians to water even if water infrastructure is not a

⁴³ *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*, Judgment, I.C.J. Reports 2010, p. 14, para. 204.

⁴⁴ K. Bourquain, ‘Freshwater Access from a Human Rights Perspective: A Challenge to International Water and Human Rights Law’, *Brill-Nijhoff* (2008), p. 43.

⁴⁵ For an overview of state practice and judicial decisions confirming that occupation is a question of fact, see: Tristan Ferraro ‘[Determining the Beginning and End of Occupation under International Humanitarian Law](#)’, *International Review of the Red Cross*, pp 132-138.

⁴⁶ See, for example: James Crawford, ‘Opinion: Third Party Obligations with respect to Israeli Settlements in the Occupied Palestinian Territories’ (24 January 2012) (Available at: <https://www.tuc.org.uk/sites/default/files/tucfiles/LegalOpinionIsraeliSettlements.pdf>).

⁴⁷ Antonio Cassese, ‘Powers and Duties of an Occupant in Relation to Land and Natural Resources’ in E Playfair, (ed.) *International Law and the Administration of Occupied Territories – Two Decades of Israeli Occupation of the West Bank and Gaza Strip* (Clarendon Press: Oxford, 1992), 420-1.

target of deliberate attack.⁴⁸ In addition to negative obligations on the parties to the conflict, such as not to target water as a civilian object indispensable to the survival of the population, international law prohibits the use of water and its infrastructure as a weapon, including the diversion or blocking of access to water for purposes of coercion or political pressure. Some practices, such as intentional cutting of water supplies, are considered to be a form of diversion prohibited under international law, especially when linked to specific contexts, such as the fact that the population is entirely dependent on the source of water that has been diverted or blocked, as is the case with, for example, the practice to which the Alok water station has been subject to. These provisions apply to all parties to the conflict, including non-State armed groups, the occupying Power and government actors. The duty to respond and secure the needs of the civilian population also imposes positive obligations on the parties to the conflict to undertake actions and measures that would ensure a more effective management of water resources and infrastructure.

- **Continued applicability of IHRL:** It is well established in international law and practice that the provisions of IHRL remain in force during armed conflict, and, in some situations, may have priority, particularly when other articles of IHL fail to provide more extensive protection. In the Syrian context, the Syrian State remains primarily responsible for safeguarding the population's access to water and must take all possible measures to ensure that they enjoy that right, which is enshrined in numerous IHRL instruments. Türkiye, as an occupying Power, also bears the same responsibility in the areas under its control. It is also recognized that the provisions of IHRL apply to non-State armed groups exercising de facto authority or effective control over territories and population.⁴⁹ In addition to the duty of States to respect the right to water, appropriate measures must be taken to ensure that this right is protected from interference by other parties and is fulfilled. The practices or negligence in Syria's water situation may amount to a clear violation of the three types of obligations: respect, protection and fulfilment.⁵⁰

Recommendations

Building from the facts the submission has presented above, the partner organizations demand that concerned parties:

1. Establish an impartial and independent monitoring mechanism for the Euphrates River and all transboundary water resources shared by Syria, Türkiye, and Iraq. The mechanism shall oversee compliance with signed agreements and the provisions of international law and support dialogue between stakeholders to help them reach a sustainable settlement that ensures equitable and reasonable utilization of the shared watercourses.

⁴⁸ See in general: Diakonia International Humanitarian Law Centre, 'Protection of Water in Non-International Armed Conflicts' (May 2023) (Available at: <https://www.diakonia.se/ihl/news/protection-of-water-in-non-international-armed-conflicts/>).

⁴⁹ UNOHCHR, Joint Statement by independent United Nations human rights experts on human rights responsibilities of armed non-State actors (25 February 2021), (Available at: <https://www.ohchr.org/en/press-releases/2021/02/joint-statement-independent-united-nations-human-rights-experts-human-rights>).

⁵⁰ See, for example: UNOHCHR, The Right to Water, Fact Sheet No. 35 (August 2010) (Available at: <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet35en.pdf>).

2. Conduct a comprehensive assessment of water requirements and sewage systems in the NES, focusing on climate changes and their future impact on available water sources.
3. Authorize the immediate and sustainable reoperation of the Alok water station, neutralize all water resources from political disputes, and ensure that all communities have equitable and nondiscriminatory access to these resources and to safe potable water.
4. Prioritize the conservation and prevention of depletion of existing water resources, in addition to the rehabilitation of their infrastructure, and initiate the clean-up and treatment of all contaminated water resources and rivers.
5. Press all parties, including the Syrian government and the Autonomous Administration, to assume their responsibilities in providing the interventions necessary in the NES to prevent a cholera outbreak, such as increasing the number of water stations.



Syrians for Truth and Justice (STJ) is a nonprofit, nongovernmental organization monitoring human rights violations in Syria. Founded in 2015, STJ has been based in France since 2019.



Synergy Association for Victims is a non-governmental, non-profit association which aims to provide a platform and a space for the victims to represent themselves and claim their rights. Synergy was founded on 11 March 2021 to



HDC is an independent body that uses its attorney to diagnose the problems in cooperation ways and analyze different data and info to find the fit solution for better performance of those infrastructures.



PEL Organization was established to activate the role of different societal groups (youth and women in particular) in political, social and economic life, to launch initiatives and projects that seek to consolidate coexistence and peace, and to provide an appropriate climate to activate civil life in society.



The idea of "Malva" started from a small activity for male and female artists and activists in mid-2016. The organization provides artistic, developmental, cultural and educational projects in the cities of northeastern Syria.



CSO NES seeks to improve and develop the reality of our societies, and to formulate visions, ideas and positions, to present and express them in a more organized and consistent manner with the cultural, ethnic and social diversity that enriches our region.



NGO Platform is an optional and voluntary assembly of civil society institutions in Northern and Eastern Syria works on coordinating and facilitating collective action with the aim of enhancing development.